

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

MIKHAIL OLEYNIK,

CIVIL NO. 04-3131 (JNE/JSM)

Petitioner,

v.

ORDER

STATE OF MINNESOTA,

Respondent.

The above-entitled matter comes before the Court upon the Amended Report and Recommendation of United States Magistrate Judge Janie S. Mayeron dated June 15, 2005. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein,

IT IS HEREBY ORDERED that this action is dismissed without prejudice, unless Petitioner files within fourteen (14) days from the date of this Court's Order, an Amended Petition to state only Grounds One, Two, and Four, of the instant Petition; or files within fourteen (14) days from the date of this Court's Order a request seeking a stay and abeyance of this matter to afford Petitioner an opportunity to return to state court to exhaust his unexhausted claims.

Dated: July 20, 2005

s/ Joan N. Erickson
JOAN N. ERICKSEN
United States District Court Judge